

VIRGINIA WASTE MANAGEMENT BOARD

† Notice of Intended Regulatory Action

Notice is hereby given in accordance with § 9-6.14:7.1 of the Code of Virginia that the Virginia Waste Management Board intends to consider amending regulations entitled: **VR 672-20-10. Solid Waste Management Regulations.** The purpose of the proposed action is to reconsider sections of the regulations that are not mandated by state or federal laws; are not essential to protect health, safety or welfare of citizens of the Commonwealth; or are not essential for efficient and economical performance of important government functions. The board also proposes to consider less burdensome or intrusive alternatives to sections associated with the groundwater monitoring requirements and to improve the clarity of the regulations. The agency intends to hold a public hearing on the proposed regulation after publication.

Need: The board has received petitions from the regulated community for rulemaking to amend the Solid Waste Management Regulation. The board agrees that the areas of concern to the petitioners, relating to groundwater monitoring requirements, should be reviewed. The board proposes to consider less burdensome or intrusive alternatives to the sections associated with the groundwater monitoring requirements.

For example, Amendment 1 to the Virginia Solid Waste Management Regulation sets forth certain procedures to be followed relating to groundwater monitoring during the transition period between the effective date of the current state requirements (1988) and the effective date of federal requirements (1996) -- §§ 5.1 D, 5.2 D, and 5.3 D of the current regulation. In retrospect, these transitional procedures have proven themselves to be unnecessarily cumbersome to the regulated community. In response to requests by the Municipal Landfill Group, composed of representatives of a number of local governments, the board is interested in reviewing the administrative and substantive requirements for the state's Interim Groundwater Detection Monitoring Program. Additionally, the board needs to establish simplified statistical procedures for the evaluation of the analytical results of groundwater monitoring obtained by the landfill operators.

In undertaking this regulatory action, the Department of Environmental Quality will also fulfill the requirements for regulatory review set forth in Executive Order 15 (94). Therefore, the board proposes to reconsider the existing regulations to ensure that the requirements are mandated by state or federal laws, are essential to protect the health, safety or welfare of the citizens of the Commonwealth, or are essential for efficient and economical performance of important government functions. The board also proposes to improve the overall clarity of the regulation.

Finally, the board will update numerous sections to reflect new, related regulations which it has promulgated and other

regulations promulgated by the Air Pollution Control Board and the State Water Control Board.

Subject Matter and Intent: The board proposes to amend certain sections of the existing Solid Waste Management Regulations, VR 672-20-10. The existing regulations establish standards and procedures for the siting, design, construction, operation, maintenance, closure and post-closure care of solid waste management facilities in order to protect public health, safety, the environment and natural resources. Areas and actions to be considered include:

Updating Part II, Legislative Authority and General Information; updating Part III, Identification of Solid Wastes, to provide relief for properly managed waste tire processing facilities as is done for paper, glass and scrap metals; updating Part IV, Management of Open Dumps and Unpermitted Facilities, so that voluntary cleanup of sites is taken into account; such cleanups should be based on a risk-based standard concept; updating Part V by deleting sections dealing with interim detection phase monitoring of groundwater; updating § 5.4 dealing with landfill gas control to take into account Rule 4-43 - Sanitary Landfill Operations of the State Air Pollution Control Board; updating § 5.7 dealing with corrective action requirements to include risk-based standard concept; and adding a new Part X that would specify acceptable risk estimation methods to be used in connection with risk-based standards for voluntary cleanups and corrective action requirements.

Estimated Impacts: The intent of the proposed amendment is to substantially reduce procedural and substantive requirements of the current regulations. Because the department expects to receive and consider all comments from the public, it is difficult to estimate the extent of the possible cost savings to both the public and the department. However, the goal of the proposed rulemaking is to decrease the costs to the owners or operators of the solid waste management facilities and to the department while ensuring that the public health, safety and welfare, as well as the environment, is protected.

Alternatives: The board has so far considered two alternatives relative to amending the current regulation. First, is the "do nothing" alternative. The board believes this option is not practicable or feasible given the petition for rulemaking which has been received from the regulated community, the requirements for regulatory review as set forth in Executive Order 15(94) and other changes needed to update the current regulations.

The second alternative is to proceed as proposed. While the department is requesting comments on the regulation as a whole, there are several areas of particular interest. Specifically, the department would like to receive comments on alternatives and their costs and benefits on the above mentioned sections, on additional streamlining of the permitting process especially as it pertains to industrial waste facilities, and on alternatives and their costs and benefits relating to on-site ("captive") landfills owned and operated solely to manage wastes generated by the manufacturing plant.

Comments: The department seeks oral and written comments from interested persons on the intended regulatory action and on the costs and benefits of the stated alternatives or any other alternatives. Written comments should be submitted to Dr. Walt Gulevich, Waste Division, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240, (804) 762-4218, TDD (804) 762-4021, no later than 4 p.m., on Monday, October 23, 1995.

In addition, the department will hold a public meeting to hear oral comments and to answer questions of the public on Thursday, October 19, 1995, at 10:30 a.m. in the Board Room, Department of Environmental Quality, 4900 Cox Road, Glen Allen, Virginia.

Accessibility to Persons With Disabilities: The meeting will be held at a public facility believed to be accessible to persons with disabilities. Any persons with questions on the accessibility of the facilities should contact Dr. Gulevich at the address above. Persons needing interpreter services for the deaf must notify Dr. Gulevich no later than Monday, October 2, 1995.

Advisory Committee/Group: The department invites comments on whether it should appoint an ad hoc advisory group, use a standing advisory committee or consult with groups or individuals to assist in the development of the proposed action. If comments are submitted regarding the appointment of an ad hoc advisory group or the consultation with groups or individuals, please include the names and addresses of persons or organizations who would be willing to participate in this process. Comments and names may be submitted to Dr. Gulevich at the address below.

Statutory Authority: § 10.1-1402 of the Code of Virginia.

Public comments may be submitted until October 23, 1995.

Contact: Dr. Walt Gulevich, Assistant Director of Waste Operations, Waste Division, Department of Environmental Quality, P.O. Box 10009, Richmond, VA 23240 (804)762-4218, FAX (804) 762-4327 or (804)762-4021/TDD ☎

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